

# United States Court of Appeals

## For the First Circuit

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No. 03-1266

JOHN DOE I, JOHN DOE II, JOHN DOE III, JOHN DOE IV, JANE DOE I,  
SUSAN E. SCHUMANN, CHARLES RICHARDSON, NANCY LESSIN, JEFFREY  
MCKENZIE, JOHN CONYERS, DENNIS KUCINICH, JESSE JACKSON, JR.,  
SHEILA JACKSON LEE, JIM MCDERMOTT, JOSÉ E. SERRANO, SALLY WRIGHT,  
DEBORAH REGAL, ALICE COPELAND BROWN, JERRY BARRE, JAMES STEPHEN  
CLEGHORN, LAURA JOHNSON MANIS, SHIRLEY H. YOUNG, JULIAN  
DELGAUDIO, ROSE DELGAUDIO, DANNY K. DAVIS, MAURICE D. HINCHEY,  
CAROLYN KILPATRICK, PETE STARK, DIANE WATSON, LYNN C. WOOLSEY,

Plaintiffs, Appellants,

v.

GEORGE W. BUSH, President,  
DONALD H. RUMSFELD, Secretary of Defense,

Defendants, Appellees.

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Before  
Lynch, Circuit Judge,  
Cyr and Stahl, Senior Circuit Judges.

ORDER OF COURT  
Entered March 18, 2003

Plaintiffs have filed a "petition for rehearing on an emergency basis," relying on events which have occurred since the court's Opinion of March 13, 2003. As we said in that opinion, "Ripeness doctrine involves more than simply the timing of the case. It mixes various mutually reinforcing constitutional and prudential considerations." Although some of the contingencies described in our opinion appear to have been resolved, others have not. Most importantly, Congress has taken no action which presents a "fully developed dispute between the two elected branches." Thus the case continues not to be fit for judicial review. See Massachusetts v. Laird, 451 F.2d 26, 34 (1st Cir. 1971).

The petition is **denied**.

By the Court:

\_\_\_\_\_/S/\_\_\_\_\_  
Richard Cushing Donovan, Clerk

[cc: Mr. Bonifaz, Ms. Bonifaz, Ms. Burnham, Mr. Stern, Mr. Henderson, Mr. Sullivan, Mr. Hunt, Mr. Garvey, Mr. Lepore, Mr. Lev, Mr. Letter, Mr. McIntosh, Mr. Katsas, Mr. Young, Mr. Avery, Mr. Dunkelbarger, Mr. Webb, and Mr. Phlegar.]